APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,813	01/19/2001	Jason F. Hunzinger	09752-098001	9207

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER
PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/765,813	HUNZINGER, JASON F.
	Examiner	Art Unit
	Angelica M. Perez	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>2</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *May 7, 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.
    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1 and 9 and claims

dependent claims 2-6 and 10-17 have been considered but are moot in view of

the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another
>
> filed in the United States before the invention thereof by the applicant for patent, or on an
>
> international application by another who has fulfilled the requirements of paragraphs (1), (2),
>
> and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology

Technical Amendments Act of 2002 do not apply when the reference is a U.S.

patent resulting directly or indirectly from an international application filed before

November 29, 2000. Therefore, the prior art date of the reference is determined

under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

102(e)).

3.   Claims 1-6, 9-13 and 17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Alperovich (Alperovich et al., Patent No. 6,119,014).

Regarding claim 1, Alperovich teaches of a method of defining contextual

information comprising (column 3, lines 26-45): obtaining reference information

(e.g., priority information, location and time; column 4, line 7-29); assigning an

identifier tag to the reference information (where the identifier tags are "priority

one", "priority two" and "priority three"; the reference information is "if the taxi

driver must pick them up immediately", if the taxi driver has other fares to handle

before the pick up time" and "if the taxi driver is to pick them up at his

convenience or on the next day", respectively; column 4, lines 24-25); storing the

reference information and the identifier tag (i.e. within the SIM or other kind of

memory; column 4, lines 19-21 and 20-27); and using the identifier tag in place of

the referenced information (column 4, lines 37-43; where the identifier tag,

"priority one", is used instead of the referenced information, priority message 320

be displayed or all messages 320 or messages 320 listed first. See also, column

5, lines 27-30; e.g., "...having association information 470, instead of or in

addition to a priority indicator 410...").

Regarding claim 2, Alperovich teaches all the limitations found in claim 1.

Also, Alperovich teaches of executing a program using the stored identifier tag

(columns 7 and 8, lines 51-67 and 1-10, respectively).

Regarding claim 3, Alperovich teaches all the limitations found in claim 1.

Alperovich further teaches of storing the reference information and the identifier

tag in a mobile station (column 4, lines 17-20; e.g., "...store the SMS messages

320 according to priority..."; where the correlated information of the message and priority are both stored for further usage).

Regarding claim 4, Alperovich teaches all the limitations found in claim 1. Alperovich further teaches where defining a context tag is based on location data (column 5, lines 27-35).

Regarding claim 5, Alperovich teaches all the limitations found in claim 1. Alperovich further teaches defining a context tag based on time frame data (column 4, lines 60-61).

Regarding claim 6, Alperovich teaches all the limitations found in claim 1. Alperovich further teaches of retrieving all context tags referred to within the program (column 7, lines 29-34).

Regarding claim 9, Alperovich teaches of a mobile station (figure 1, item 20) for use in a wireless communication system (figure 1) comprising: a memory (column 9, line 2) which stores a plurality of context tags (column 4, lines 59-65) each having an associated defining characteristic (column 4, lines 60-61); and a processor (column 9 and 10, lines 1-12 and 1-10, respectively) which executes programs using at least one of the context tags which meet current conditions instead of using the respective defining characteristic (column 4, lines 37-43 and column 5, lines 27-30; e.g., "...having association information 470, instead of or in addition to a priority indicator 410...").

Regarding claim 10, Alperovich teaches all the limitations found in claim 9. Furthermore, Alperovich teaches where the defining characteristics are location based (column 5, lines 27-35).

Regarding claim 11, Alperovich teaches all the limitations found in claim 9. In addition, Alperovich teaches where the defining characteristics are time frame based (column 4, lines 60-61).

Regarding claim 12, Alperovich teaches all the limitations found in claim 9. In addition, Alperovich teaches where the programs are obtained from memory (column 9, lines 1-3).

Regarding claim 13, Alperovich teaches all the limitations found in claim 9. Also, Alperovich teaches where the programs are obtained from the wireless web (column 6, line 46).

Regarding claim 17, Alperovich teaches all the limitations found in claim 9. Alperovich further teaches where the mobile station further comprises a receiver (column 1, lines 9-13; where it is inherent for mobiles terminals to comprise a receiver); and where the receiver for receiving a message comprising a context tag without defining characteristics (column 4, lines 37-43; where the identifier tag, "priority one", is used instead of the referenced information, priority message 320 be displayed or all messages 320 or messages 320 listed first. See also, column 5, lines 27-30; e.g., "...having association information 470, instead of or in addition to a priority indicator 410..."), the processor correlates the received context tag to associated defining characteristics and determines that the context tags meet current conditions based on the defining characteristics associated with the received context tag (column 4, lines 37-43 and column 5, lines 27-30; e.g., "...having association information 470, instead of or in addition to a priority indicator 410...").

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

5.   Claims 7, 8, 14,15 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Alperovich (Alperovich et al., Patent No. 6119014) in view of

Amicangioli (Amicangioli, Anthony A., US Patent No. 6,535,509 B2).

Regarding claims 7 and 14, Alperovich teaches all the limitations found in

claims 2 and 9.

Alperovich does not teach the method of storing the reference information

and the identifier tag in a first location and executing the program in a second

location, where the second location does not obtain the reference information in

the network.

In related art concerning tagging in a network traffic server, Amicangioli

teaches of storing the correlated reference information and identifier tag in a first

location and executing the program in a second location, where the second

location does not obtain the reference information (column 3, lines 28-31 and 42-

47, respectively).

It would have been obvious to a one of ordinary skill in the art at the time

the invention was made to combine Alperovich's invention with Amicangioli's

method for storing the correlated reference information and identifier tag in order

to provide privacy to the mobile station carrier.

Regarding claim 8 and 15, Alperovich teaches all the limitations found in

claims 2 and 15. Amicangioli further teaches where there is art that teaches the

method where the first location informs the second location of a state of the

identifier tag (column 3, lines 49-51).

Regarding claim 16, Alperovich teaches all the limitations found in claim 2.

Alperovich does not teach of storing the reference information and the

identifier tag in a first location, of transmitting the identifier tag without the

reference information from a second location, determining the reference

information that correlates to the received identifier tag and executing the

program in the first location upon detecting the reference information conditions

where the second location does not obtain the reference information.

In related art concerning tagging in a network traffic server, Alperovich

teaches of storing the reference information and the identifier tag in a first

location (column 4, lines 17-20; e.g., "...store the SMS messages 320 according

to priority..."; where the message and priority are both stored for further usage).

Amicangioli teaches of transmitting the identifier tag without the reference

information from a second location (column 3, lines 42-47; where the second

processing unit sends the tag), determining the reference information that

correlates to the received identifier tag (column 3, lines 28-29; where when the

messages are received and tagged) and executing the program in the first

location upon detecting the reference information conditions where the second

location does not obtain the reference information (column 3, lines 42-47; where the second locations reads the tag only to determine the connection).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Alperovich's invention with Amicangioli's method for storing the correlated reference information and identifier tag in order to provide privacy to the mobile station carrier, as taught by Hunzinger.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Patent No.: 5,535,323; refers to a method and system for displaying context sensitive and application independent help information.

Patent No. 6,091,959 refers to wireless communication system for location-based message transmission.

Patent No. 5,471,518, refers to non-volatile data storage in radio telephones and the like.

Patent No. US 6,272,457 B1, Refers to spatial assessment management

system time-tags combining speech and location data.

Any inquiry concerning this communication or earlier communications from

the

examiner should be directed to Angelica Perez whose telephone number is 703-

305-8730. The examiner can normally be reached on 7:30 a.m. - 4:00 p.m.,

Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax

phone numbers for the organization where this application or proceeding is

assigned are 703-872-9314 for regular communications and for After Final

communications.

Information regarding Patent Application Information Retrieval (PAIR)

system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the TC 2600's customer service number is

703-306-0377.

NAY MAUNG
SUPERVISORY PATENT EXAMINER
Art Unit 2684

Angelica Perez
(Examiner)

July 19, 2004